

Janis C. Puracal, OSB #132288
E-mail: jcp@mlrlegalteam.com
Andrew C. Lauersdorf, OSB #980739
E-mail: acl@mlrlegalteam.com
MALONEY LAUERSDORF REINER, PC
1111 E. Burnside Street, Ste. 300
Portland, OR 97214
Telephone: (503) 245-1518
Facsimile: (503) 245-1417

David B. Owens, WSBA #53856, *pro hac vice*
E-mail: david@loevy.com
LOEVY & LOEVY c/o
Civil Rights and Justice Clinic
University of Washington Law School
William H. Gates Hall, Suite 265
PO Box 85110
Seattle, WA 98145-1110
Telephone: (312) 590-5449
Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,
Plaintiffs,

Civil No. 6:20-cv-01163-MTK
(Lead Case)

v.

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE,
SEAN SANBORN, ERIC
SCHWENNINGER, RICHARD WALTER,
CHRIS WEBLEY, ANTHONY WETMORE,
KATHY WILCOX, CRAIG ZANNI,
DAVID ZAVALA, JOEL D. SHAPIRO AS
ADMINISTRATOR OF THE ESTATE OF
DAVID E. HALL, VIDOCQ SOCIETY,
CITY OF COQUILLE, CITY OF COOS
BAY, and COOS COUNTY,
Defendants.

PLAINTIFFS' OMNIBUS
OPPOSITION TO DEFENDANTS'
MOTIONS TO STAY

VIDOCQ SOCIETY,
Cross-Claimant,

v.

MARK DANNELS, PAT DOWNING,
SUSAN HORMANN, MARY KRINGS,
KRIS KARCHER, SHELLY MCINNES,
RAYMOND MCNEELY, KIP OSWALD,
MICHAEL REAVES, JOHN RIDDLE,
SEAN SANBORN, ERIC
SCHWENNINGER, RICHARD WALTER,
CHRIS WEBLEY, ANTHONY WETMORE,
KATHY WILCOX, CRAIG ZANNI,
DAVID ZAVALA, JOEL D. SHAPIRO AS
ADMINISTRATOR OF THE ESTATE OF
DAVID E. HALL, VIDOCQ SOCIETY,
CITY OF COQUILLE, CITY OF COOS
BAY, and COOS COUNTY
Cross-Defendants.

NICHOLAS JAMES MCGUFFIN, as an
individual and as guardian *ad litem*, on behalf
of S.M., a minor,
Plaintiffs,

Civil Case No. 3:21-cv-01719-MTK
(Trailing Case)

v.

OREGON STATE POLICE,

Defendant.

INTRODUCTION

This Court has yet to issue its opinion and order on the pending motions for summary judgment. The individual municipal defendants and the individual state defendants have filed premature notices of appeal. For the reasons set forth in Plaintiffs' motion to certify, the appeals should be certified frivolous. Dkt. 370.

This Court gave the municipal defendants the opportunity to seek a stay. Dkt. 364. Despite the opportunity, the Municipal defendants have not sought a stay. Nor has the Vidocq Society. The State defendants did seek a stay. Dkt. 372. Defendant Walter who (properly) did not file a premature appeal himself, also now seeks a stay. Dkt. 371.

The motions for stay should be denied as moot.

At the settlement conference held on May 28, 2025, Plaintiffs reached an agreement to settle their claims against the State Defendants. Dkt. 376. As a result, once the paperwork and other final steps are completed, Plaintiffs will dismiss the State Defendants. The State Defendants appeal is also moot and is due to be dismissed.

Defendant Walter's appeal is also now moot. At the settlement conference held on May 28, 2025, Plaintiffs reached an agreement to settle their claims against both Walter and Vidocq society. Dkt. 376. As a result, Plaintiffs will dismiss the Vidocq Society and Walter from the case. As a result, the motion is moot, and is due to be dismissed. *See, e.g., Hammond Clock Co v. Schiff*, 293 U.S. 529 (1934) (granting motion to deem appeal moot in light of settlement); *Edwards v. Lattimer*, No. 218CV1072JCMNJK, 2020 WL 13533314, at *1 (D. Nev. Mar. 11, 2020) (denying motion as moot in light of settlement).

The dismissal here can be without prejudice.¹ While Plaintiffs prepared a substantive response, and considered filing it here, because they have reached good-faith settlements, which no side has reason to doubt, that response is not included here for judicial economy.

CONCLUSION

The State Defendants' and Walter's motions for stay are now moot. They should be denied on that basis.

Respectfully submitted,

MALONEY LAUERSDORF REINER PC

LOEVY & LOEVY

By /s/Janis C. Puracal

Janis C. Puracal, OSB #132288
E-Mail: jcp@mlrlegalteam.com
Andrew C. Lauersdorf, OSB #980739
E-Mail: acl@mlrlegalteam.com

By /s/David B. Owens

David B. Owens, WSBA #53856
E-Mail: david@loevy.com
Pro hac vice

Attorneys for Plaintiffs

Attorneys for Plaintiffs

Certificate of Service

I, David B. Owens, an attorney, certify that on May 29, 2025, I filed the foregoing via the Court's electronic filing service which effectuated service on all counsel.

/s/ David B. Owens-

¹ Should the settlements not be completed for some unforeseen reason, the Parties can assess whether the motions can or should be renewed, including whether Plaintiffs should then file their substantive response not being filed today.